REMARKS

Claims 1-27 are pending. Claims 1-12, 20, 24, and 25-27 have been amended.

Regarding the Rejections under 35 U.S.C. §112

Claims 20, 24 and 27 have been amended to more particularly point out and distinctly claim the subject matter of the invention. The applicants submit that, as amended, these claims satisfy the requirements of 35 U.S.C. §112. Reconsideration of the Section 112 rejection of these claims is respectfully requested.

Regarding the Rejections under 35 U.S.C. §101

Claims 1-12 and 25-27 were rejected as being directed to non-statutory subject matter. Reconsideration is respectfully requested.

Regarding claims 1-12, the claims have been amended to clarify that the claim is directed to a computer system which incorporates a physical component as well as a software component, thus constituting an item of manufacture that is used for a concrete and tangible purpose. The applicants submit that, as amended, these claims satisfy the requirements under 35 U.S.C. §101. Reconsideration of the Section 101 rejection of these claims is respectfully requested.

Regarding claims 25-27, the claims have been amended to recite a "computer-readable storage medium", which satisfies the useful, concrete, and tangible requirements under 35 U.S.C. §101. The applicants submit that, as amended, these claims satisfy the requirements under 35 U.S.C. §101. Reconsideration of the Section 101 rejection of these claims is respectfully requested.

Regarding the Rejections under 35 U.S.C. §102

Claims 1-2, 7-14, 17-22 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Leary (US 5,950,000). These rejections are respectfully traversed.

Regarding claims 1 and 25, the claims recite a "dynamic property descriptor storing information associated with a property of the custom build rule object". In order to anticipate a claim, the reference must teach every element of the claim. The Office Action appears to assert that the O'Leary reference teaches this feature in Col 6, lines 3-25 of the reference, however, it does not.

The O'Leary reference teaches the building of a makefile in Col 6, lines 38-45. However, the O'Leary reference does not teach or imply a custom build rule object that contains a dynamic property descriptor that interacts with the tool file, as recited in claims 1 and 25. A makefile is a static construct that may not change, may not incorporate new or different elements, after the makefile has been defined. A custom build rule object with a dynamic property descriptor can and does change the way in which a command line is generated based upon rules and data structures that are incorporated to address the needs of projects dynamically, as needed. A straightforward makefile generation process, such as that disclosed in the O'Leary reference, does not anticipate the changing needs of dynamic software projects, whereas the custom build rule object as disclosed does. Therefore, the O'Leary reference does not anticipate the claim elements of claims 1 and 25 as recited. Accordingly, reconsideration and allowance are respectfully requested.

Regarding claims 13 and 24, the claims recite "associating a dynamic property with a build rule object associated with the build took, the dynamic property associated with a switch property". The Office Action appears to assert that this claim is anticipated by the O'Leary reference, looking to Col 6, lines 3-25 of the reference for support. However, the reference does not anticipate the recited claim element.

The O'Leary reference, as shown in Col 6, builds a makefile from which a command line is generated only under direct supervision of a user. The user must decide which elements to chose from a list, then generate a static makefile from these choices with no ability to change the makefile dynamically or to apply this static makefile to multiple projects without user intervention. In contrast, a build tool as recited in the claim associates values with switch properties that may be dynamically assigned as needed by any of a plurality of projects, then the dynamically assigned properties are programmatically replaced within the build rule object to suit the needs of each program project without further interaction with a programmer or user. A straightforward makefile generation process, such as that disclosed in

the O'Leary reference, does not anticipate the changing needs of dynamic software projects, whereas the custom build rule object as disclosed does through the use of dynamic and switch property values. Therefore, the O'Leary reference does not anticipate the claim elements of claims 13 and 24 as recited. Accordingly, reconsideration and allowance are respectfully requested.

Regarding claims 2, 7-12, 14, 17-22, and 26-27, these claims each depend from one of independent claims 1, 13, 24, or 25. In view of the above, it is clear that O'Leary fails to establish anticipation of these claims. The dependant claims are, therefore, allowable for at least the reasons shown for claims 1, 13, 24, and 25. Accordingly, reconsideration and allowance are respectfully requested.

Regarding the Rejections under 35 U.S.C. §103

Claims 3-6, 15-16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary (US 5,950,000) in view of Odaka (US 2003/0140333). The O'Leary reference relates to a GUI interface for programmers to use in building static makefiles for integrating software tools. The Odaka published application relates to a conditional compile environment for use in web servers and web browsers.

The Odaka reference does not remedy the shortcomings of the O'Leary reference as discussed above and, thus, the combination of O'Leary and Odaka fails to provide the teachings needed to establish that claims 3-6, 15-16 and 23 are obvious. These claims are allowable for at least the reasons given above. Accordingly, reconsideration and allowance are respectfully requested.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the instant application is in condition for allowance.

Respectfully submitted,

Date: July 10, 2007   /Steven B. Samuels/
                                                       Steven B. Samuels
                                                       Registration No. 37,711

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439